Andover Conservation Commission Meeting Minutes

April 3, 2012

Town of Andover, 36 Bartlett Street, 3rd Floor Conference Room A, 7:45 p.m.

Conservation Commission Members in Attendance:

Vice Chairman Walsh, Commissioner Porter, Commissioner Honea, Commissioner Fink, Commissioner Greenwood, Commissioner Driscoll (*via* remote participation) and Director Robert Douglas and Agent Linda Cleary were also present.

SCHEDULED ITEMS:

West Knoll & Main St. Intersection

Present in Interest: Maria Maggio and Ihor Raniuk- Plant & Facilities

Staff Recommendation: Approve

Public Meeting on the Request for Determination of Applicability filed by the **Town of Andover Plant and Facilities Department** to determine if the proposed replacement of an existing raised traffic island with pavement at **Intersection of West Knoll & Main St.** is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. **DA2012-005**

Director Douglas presented to the Commission that the project is a municipal road improvement. They are seeking to remove a traffic island in the middle of an existing roadway. Wetlands are on the south side of the intersection and will be protected by haybales. Acting Director of Plant & Facilities Maria Maggio presented that the project will allow for a safer access to West Knoll and is related to the school project. The design is being done by Dana Perkins and the Mass. Highway Dept. The work will be started this summer by a subcontractor.

Vice Chairman Walsh asked for a Motion. Commissioner Greenwood made a Motion to Approve; it was seconded by Commissioner Porter and unanimously approved.

Gray Road

(Bay Circuit Trail)

Present in Interest: Mike Callahan – Beaver Solutions

Staff Recommendation: Approve

Public Meeting on the Request for Determination of Applicability filed by the **Town of Andover DPW Department** to determine if the repair and maintenance for a flow-through device at **Gray Road** is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. **DA2012-006**

Mr. Douglas presented to the Commission that about a year ago that he became concerned about the water that is bottled up. The current pipe that the Town put in had been damaged in the winter ice was not functioning properly. There is real concern about a downstream breach of the roadway. Health and DPW have met with Mr. Douglas at the site.

Mike Callahan from Beaver Solutions proposed to install a new flow-through device. The device has two control points. A flexible pond leveler and pipe will need to be installed. The DPW will be monitoring the progress of the installation of the flow through devices along with Conservation Director Douglas.

Commissioner Greenwood asked what kind of maintenance will be done on this device? How long do they last? Will ice will push it around? Mr. Callahan replied that the pipe is weighted down and vented to allow release. The ice will form with no damage. A fence around the intake will last about 5-10 years. If the pipe is coated it should last more than 10 years. The pipe end is short, and sticks and debris will need to be removed.

Commissioner Fink asked how Mr. Callahan would determine the elevation, and its relationship to the beaver lodge, local trails, and other relevant structures. Mr. Callahan stated that it would be 3 feet deep at a minimum and he would check the area before installation.

Director Douglas stated that the installation will be hand done and it will be simple to uncover and lower the pipe trench. It will maintain most of the pond and will protect the wetlands and the surrounding properties.

Commissioner Honea asked if this was setup as an emergency certification. Mr. Douglas stated the repair would be allowed with the Determination.

Vice Chairman Walsh asked for a Motion. Commissioner Honea made a Motion to Approve the repair and maintenance of the flow-through device; it was seconded by Commissioner Greenwood and unanimously approved.

ACTION ITEMS:

92 Argilla Road

Consideration of significance by **YizhongYin** for the addition of a circular driveway at **92 Argilla Road. DEP File #090-1097**

Agent Cleary stated that the approximately a year ago the house was demolitioned and a new house is being built. The applicant wants to add a circular driveway to the plan. Ann Marton from LEC and Agent Cleary have requested a revised plan by April 4th.

Commissioner Greenwood made a Motion to Continue the matter to April 17th with revised plan received by April 4th; it was seconded by Commissioner Honea and unanimously approved.

7 Gregory Circle

Present in Interest: Todd Wacome, Andover Consultants Inc.

Consideration of significance of a revised site plan for house footprint and slight reduction in impervious cover at **7 Gregory Circle. DEP File #090-1108**

Commissioner Fink asked about the history of the subdivision. Commissioner Driscoll asked about the background, land locking of pre-existing houses, and other issues with the subdivision. Mr. Douglas said these questions had been addressed by the Planning divison.

Commissioner Honea made a Motion to Approve for the revised footprint and reduction in impervious cover as an insignificant change under the Order of Conditions; it was seconded by Commissioner Greenwood and unanimously approved.

278R High Plain Road

Present in Interest: Don & Lesley Durant, owners

Land Swap Proposal by Donald & Lesley Durant at 278R High Plain Road.

Mr. Douglas presented to the Commission that a portion of the Mr. & Mrs. Durant's home is located on Conservation Land. The land was surveyed incorrectly years ago when the house was built. The homeowners would like to begin the process of a land swap, and had gotten support from previous staff and Commissioners a few years ago. Mr, Douglas recommended starting the review and documentation process at this time.

Mr. Durant said that he wanted to work with the Town to get this issue corrected. He submitted maps and a surveyed site plan showing a proposed 13, 000 sq ft. land swap that would make the land conform to the zoning setback requirements.

The Commission agreed to start the land swap process. Commissioner Fink asked for a more detailed surveyed site plan from the homeowners, and any easements and other documents relevant to the shared access route and utilities. The Commission will formulate a list of questions and scheduled a site visit with the homeowner on Wednesday, April 11th at 5:00 p.m.

Near 26 & 28 Andover Country Club Lane

Present in Interest: Maureen Hanley – Norse Environmental, Rimma Grossman Vote on a Mitigation Plan for wetlands near **26 & 28 Andover Country Club Lane** in reference to Enforcement Order (June 2011) with planting drawing being reviewed by Rimma Grossman.

Director Douglas presented to the Commission that this was a long-standing Enforcement Order to resolve tree-cutting around an intermittent stream on Ms. Grossman's property by the Country Club. Ms. Grossman presented her concerns after reviewing the planting plan. She wanted to make sure that all the criteria of the Order were met. The trees shall be a minimum of 15 ft height (3 inch or more in caliper). Vines need to be removed.

Maureen Hanley from Norse Environmental stated she was there to represent her client, the Country Club. She is willing to work towards bringing the site into full compliance. She can talk to the Country Club's Director about the concerns.

Commissioner Porter asked about removing the stumps. Director Douglas recommended leaving the stumps in place, because often they will re-grow. Commissioner Fink suggested leaving it up to Director's discretion. Director Douglas will make this decision in the field. Commissioner

Greenwood stated we should make sure the work is properly carried out soon to restore the homeowner's property.

The Commission reviewed and revised draft conditions to govern the work, as follows:

- 1. Planting begins within 60 days.
- 2. Plants to be installed per plan and stumps removed with input from Conservation Director.
- 3. The trees shall be a minimum 15 ft in height.
- 4. At the end of 2 years, the trees should have at least a 75 % success rate.
- 5. Trees are to be properly watered and cared for.
- 6. A bi-annual report on the status of restoration shall be presented to the Commission.
- 7. Permanent markers shall be installed at the former tree drip-line (based on aerial photo records) to prevent future cutting or other encroachment on the wetlands.
- 8. Trees are to be native, healthy nursery stock, and selected for site conditions.
- 9. Removal of invasive vines before planting and during growth period.
- 10. Stumps to be removed based upon Directors discretion at the site.
- 11. Prevention measures shall be taken to stop traffic (golf carts) entering this area

Commissioner Fink made a Motion to accept the mitigation plan subject to the Conditions as amended; it was seconded by Commissioner Greenwood and unanimously approved.

CONSENT AGENDA

Minutes

Commissioner Honea made a motion to approve the Minutes of March 6, 2012 as drafted; it was seconded by Commissioner Greenwood and unanimously approved.

DISCUSSION ITEMS THAT MAY REQUIRE A VOTE

Remote Participation Requirements and Procedures

Vote to adopt the Remote Participation Requirements and Procedures 940 CMR 29.10.

Commissioner Greenwood made a motion to vote to approve the Remote Participation Requirements and Procedures; it was seconded by Commissioner Porter and unanimously approved.

Discussions on Fosters Pond Conservation Area

Attendees: Steve Cotton – Fosters Pond Corp., Bob & Alice Pincus & Jack Murphy, residents of the area

The Commission received a report from Director Douglas and Commissioners who had met with representatives of the Fosters Pond area to review signage, parking, and other matters related to the new Fosters Pond Conservation Area. Commissioner Greenwood would like to see the "bowtie" piece of land go into Conservation Restriction. The area proposed for parking on land belonging to Fosters Pond Corporation is in Wilmington. The Commission would prefer to have the parking off Willard Circle.

Steve Cotton from Fosters Pond Association explained that the corporation is tax exempt and the land is already in a trust that prevents development. Thus, the Corporation believes that a Conservation Restriction is not necessary. They support public access and want parking and signs to welcome people.

After discussing several options, the parties agreed upon the following:

- 1. The gate serves a purpose to control illegal dumping and both parties have keys.
- 2. Parking spaces will be cleared on the Fosters Pond land as they proposed.
- 3. The Commission will post signs on Andover Street and with private owner permission along Willard Circle to direct visitors to parking and trails.
- 4. Steve Cotton will approach the land owner who presently maintains a "no public access" sign at the beginning of Willard Circle and ask him to remove it.
- 5. The Commission does not relinquish their rights for access to their property.

Commissioner Greenwood moved to approve these agreements with Foster's Pond Corporation; it was seconded by Commissioner Porter and unanimously approved.

100 Year Design Storm Standards

The Commissioner Porter opened a discussion on the question of whether Andover should adopt the Cornell 100 year flood standards. Commissioner Walsh discussed that we should check to see what other communities are doing. The Commission agreed that further discussions on this topic are required. Mr. Douglas will contact DEP about a guest speaker coming to a meeting on this topic.

Earth Day Cleanup

Commissioner Porter presented to Commission that Ellen Townsend wrote an e-mail that we should have a cleanup day on Conservation Land in honor of Earth Day on April 22nd. The Commission thought this was an excellent idea. Commissioner Porter will e-mail this idea to the Overseers.

MBTA Bridges on Shawsheen River

The ACOE is hosting a meeting on Monday, April 9th at 11:00 am to discuss the concerns of the two MBTA Bridges on the Shawsheen River. Commissioner Greenwood and Commissioner Porter would like to attend this meeting. Additional information in reference to this meeting will be sent out by e-mail from Director Douglas.

Endorse Town Meeting Articles to remove Dam and FEMA Maps.

Commissioner Honea made a motion to support the two Town Meeting Articles related to removal of the Balmoral Dam; it was seconded by Commissioner Porter and unanimously approved.

Bancroft Tank

Vote to extend the Bancroft Tank Report Deadline

The DPW requested an extension to 7-30-12 for their report on the Bancroft tank relative to an Enforcement Order issued.

Commissioner Greenwood made a motion to extend the report date to July 30, 2012 and it was seconded by Commissioner Driscoll and unanimously approved. (Commissioner Walsh recused himself).

The next meeting will be held at 7:45 p.m. on April 17, 2012.

The meeting was adjourned at 10:26 p.m. by Motion of Commissioner Driscoll. It was seconded by Commissioner Greenwood and unanimously approved.

Respectfully submitted by: Wendy Adams Recording Secretary